

REMARKS

Claims 1-3, 5, 8, and 9 have been amended. Claims 12-48 have been canceled. Applicants reserve the right to pursue the original claims and other claims in this and other applications.

The Examiner has required an election of species between:

Group I, claims 1-11, directed to a species of microlens comprising a single layer microlens; and

Group II, claims 26-32, directed to a species of microlens comprising dual layer microlens.

Applicants confirm the telephone election, without traverse, of Group I, claims 1-11, directed to a species of micro-lens comprising a single layer micro-lens.

Claims 5 and 9 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Claims 5 and 9 have been amended to address the concerns raised in the Office Action. Applicants respectfully request that the rejection of these claims be withdrawn and the claims allowed.

Claims 1, 2, and 6 stand rejected under 35 U.S.C. § 102(b) as being unpatentable by Aoki et al. (U.S. Patent No. 5,479,049) ("Aoki"). The rejection is respectfully traversed.

Amended claim 1 recites "[a] micro-lens for use in an imager, comprising ... a substrate having an opening recessed from an upper surface of the substrate." Applicants respectfully submit that Aoki fails to disclose, teach, or suggest at least these

limitations as recited in claim 1. Instead, Aoki's FIG. 1 illustrates micro-lenses 11 recessed from a bottom surface of a first transparent resin layer 12 (referred to as a substrate in the Office Action at page 4). As such, the subject matter of claim 1 is not anticipated by Aoki.

Claims 2 and 6 depend from claim 1 and are allowable for at least the same reasons. Applicants respectfully request the withdrawal of the rejection and allowance of the claims.

Claim 3 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Aoki, in view of Nishihara (U.S. Patent 5,764,319). The rejection is respectfully traversed.

Claim 3 depends from claim 1. As discussed above, Aoki fails to disclose, teach, or suggest every limitation of claim 1. That is, Aoki fails to disclose "a substrate having an opening recessed from an upper surface of the substrate," as recited by claim 1. Nishihara discloses a small-sized high-resolution transmissive display device employed in a color-filterless single panel projector. (Nishihara, col. 2, lines 33-37). Applicants respectfully note that Nishihara does not disclose, teach, or suggest "a substrate having an opening recessed from an upper surface of the substrate," as recited by claim 1. As such, Nishihara fails to cure the deficiencies of Aoki. Applicants respectfully submit that Aoki and Nishihara, whether considered alone or in combination, fail to disclose, teach, or suggest every limitation of claim 3.

Claim 4 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Aoki, in view of Kravitz et al. (U.S. Patent 5,790,730) ("Kravitz"). The rejection is respectfully traversed.

Claim 4 depends from claim 1. As discussed above, Aoki fails to disclose, teach, or suggest every limitation of claim 1. That is, Aoki fails to disclose "a substrate having an opening recessed from an upper surface of the substrate," as recited by claim 1. Kravitz discloses a package comprising a first wall having a plurality of microlenses formed therein to establish channels of optical communication with an integrated optic circuit within the package. (Kravitz, Abstract). Applicants respectfully note that Kravitz does not disclose, teach, or suggest "a substrate having an opening recessed from an upper surface of the substrate," as recited by claim 1. As such, Kravitz fails to cure the deficiencies of Aoki. Applicants respectfully submit that Aoki and Kravitz, whether considered alone or in combination, fail to disclose, teach, or suggest every limitation of claim 4.

Claim 7 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Aoki. The rejection is respectfully traversed.

Claim 7 depends from claim 1. As discussed above, Aoki fails to disclose, teach, or suggest "a substrate having an opening recessed from the surface of the substrate," as recited by claim 1. Applicants respectfully submit that Aoki alone cannot render claim 7 unpatentable. As such, Applicants respectfully request that the rejection be withdrawn and the claim allowed.

Claims 8, 10, and 11 stand rejected under 35 U.S.C. § 103(a)¹ as being unpatentable by Aoki in view of Kravitz, and further in view of Nishihara. The rejection is respectfully traversed.

As previously discussed, Aoki, Kravitz, and Nishihara fail to disclose, teach, or suggest every limitation of claim 1. Claim 8 contains similar limitations as claim 1.

¹ Applicants believe the stated rejection under 35 U.S.C. § 102(b) to be a typographical error; therefore, 35 U.S.C. § 102(b) has been changed to now read 35 U.S.C. § 103(a).

That is, claim 8 recites "[a] micro-lens, comprising ... a substrate having an opening recessed from an upper surface of the substrate." As such, Applicants respectfully submit that Aoki, Kravitz, and Nishihara, whether considered alone or in combination, can not render claim 8 unpatentable. Claims 10 and 11 depend from claim 8 and are allowable for at least the same reasons. Applicants respectfully request that the rejection of the claims be withdrawn and the claims allowed.

In view of the above amendment, Applicants believe the pending application is in condition for allowance.

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